

such ingredient; and, Section 403 (e) (2), one lot was in package form and did not bear a label containing an accurate statement of the quantity of the contents, since the cans were labeled "One Gallon Net" and contained less than 1 gallon.

DISPOSITION: June 14 and 21, 1943. The defendants having entered pleas of guilty, the court imposed a fine of \$50 on each of the 4 counts against Dante Pinnere and Louis Cutali, and a fine of \$100 on each of the 4 counts against Vincenzo Cottone, and suspended the fines on the last 3 counts as to all of the defendants.

5985. Adulteration and misbranding of olive oil. U. S. v. 32 Cans of Olive Oil. Default decree of condemnation. Product sold for war purposes. (F. D. C. No. 12192. Sample No. 50358-F.)

LIBEL FILED: April 18, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about October 14, 1943, by the Keystone Grocery & Distributing Co. of Pittsburgh, Inc., Pittsburgh, Pa.

PRODUCT: 32 cans of oil at Weirton, W. Va.

LABEL, IN PART: "One Gallon Fortebraccio Brand 80% Cottonseed Oil and Corn Oils 20% Pure Olive Oil."

VIOLATIONS CHARGED: Adulteration, 402 (b) (2), a substance consisting essentially of cottonseed oil and some corn oil, with little or no olive oil, had been substituted for 80 percent cottonseed oil and corn oil and 20 percent pure olive oil, which it was represented to be.

Misbranding, Section 403 (a) (f), the statement, "80% Cottonseed and Corn Oils 20% Pure Olive Oil," was false and misleading. The label contained representations in a foreign language, Italian, and the statement of quantity of contents and list of ingredients, required by the Act to appear on the label, failed to appear thereon in the foreign language.

DISPOSITION: May 1, 1944. No claimant having appeared, judgment of condemnation was entered ordering the product destroyed for food purposes, but providing that it be denatured and sold for technical war purposes.

5986. Adulteration and misbranding of peanut oil. U. S. v. 23 Tins of Peanut Oil. Default decree of condemnation. Product ordered delivered to a government institution. (F. D. C. No. 10779. Sample No. 55504-F.)

LIBEL FILED: September 15, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about July 28, 1943, by D. F. DeBernardi & Co., San Francisco, Calif.

PRODUCT: 23 tins of peanut oil at Ravensdale, Wash.

LABEL, IN PART: "Vegeto Brand Pure Golden PEANUT OIL."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), in that a mixture of peanut oil and cottonseed oil had been substituted in whole or in part for peanut oil, which the article was represented to be.

Misbranding, Section 403 (a), in that the statements on the label, "Pure Golden Peanut Oil," and "Vegeto is the expressed Light Golden Oil of Delicious American Grown Peanuts, Multi Processed to Assure the Utmost Purity Yet especially treated to Preserve Certain Stabilizing Elements in the Natural Expressed Oil that Insure its Long Keeping Qualities and Freshness," were false and misleading as applied to a mixture of peanut oil and cottonseed oil.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a government institution.

5987. Misbranding of peanut oil. U. S. v. 200 Cases and 225 Cases of Peanut Oil. Product ordered released for relabeling. (F. D. C. No. 10416. Sample No. 11822-F.)

LIBEL FILED: September 1, 1943, Territory of Hawaii.

ALLEGED SHIPMENT: On or about July 20, 1943, by the Morse Export Import Co., Inc., from San Francisco, Calif.

PRODUCT: 200 cases, each containing 6 1-gallon cans, and 225 cases, each containing 12 ½-gallon cans, of peanut oil, at Honolulu, Hawaii.

LABEL, IN PART: "Net Contents One Gallon Panther Brand Oil of Peanuts [or "Net Contents One Half Gallon Panther Brand * * * Peanut Oil"]
* * * Packed and Distributed by Marsili & Co. Inc. San Francisco."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Oil of Peanuts" (gallon cans), "Peanut Oil" (half-gallon cans), and "Olio di Arichidi"

(both sizes), borne on the labels, were false and misleading as applied to a product that was a mixture of peanut oil and cottonseed oil, containing more than 10 percent of cottonseed oil; Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the cans contained less than the declared amount; Section 403 (f), the labels contained representations in a foreign language, Italian, and the common or usual name of each ingredient did not appear thereon in the foreign language; and, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since cottonseed oil, an ingredient, was not declared.

DISPOSITION: November 3, 1943. The Wing Sing Wo Co., Honolulu, Hawaii, and the Morse Export Import Co., Inc., having appeared as claimants, a stipulation providing for the relabeling of the product by the claimants, under the supervision of the Food & Drug Administration, was filed and approved by the court. The relabeling having been satisfactorily completed, an order for the release of the product to the claimants was entered on January 28, 1944.

5988. Adulteration of mayonnaise. U. S. v. 500 Cases of Mayonnaise. Consent decree of condemnation. Product ordered released under bond for salvaging the fats. (F. D. C. No. 10788. Sample No. 35524-F.)

LIBEL FILED: September 20, 1943, Western District of North Carolina.

ALLEGED SHIPMENT: On or about August 2, 3, and 4, 1942, by the Southern Margarine Co., Greenville, S. C.

PRODUCT: 590 cases, each containing 12 quart jars, of mayonnaise at Charleston, N. C.

LABEL, IN PART: (Jars) "Southern Gold Brand Mayonnaise."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food because it was rancid.

DISPOSITION: November 22, 1943. The Arcadia Co., Inc., Charlotte, N. C., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for the purpose of salvaging the fats, under the supervision of the Food & Drug Administration. The product was first denatured by adding kerosene.

5989. Adulteration and misbranding of salad dressing. U. S. v. Tasty Food Co. and John B. Pendergrass. Pleas of guilty. Fine of \$30 against each defendant. (F. D. C. No. 10629. Sample Nos. 12261-F, 12262-F, 42841-F.)

INFORMATION FILED: January 25, 1944, District of Oregon, against the Tasty Food Co., a corporation, and John B. Pendergrass, of Portland, Oreg.

ALLEGED SHIPMENT: On or about June 2, and July 7, 1943, from the State of Oregon into the State of Washington.

LABEL, IN PART: "Over the Top Brand Salad Dressing," or "Tasty Salad Dressing."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, an edible food oil, had been in whole or in part omitted from the product; Section 402 (b) (2), an article containing mineral oil, a non-nutritive substance, had been substituted for salad dressing; and, Section 402 (b) (4), a substance having no food value had been added to the product or mixed or packed with it so as to reduce its quality.

Misbranding, Section 403 (a), the statements on the labels, "Salad Dressing Contains: Water, Cottonseed Oil, Rice Flour, Whole Eggs, Spice and Vinegar," were false and misleading since the product was not salad dressing, it contained an ingredient, non-nutritive mineral oil, other than those named in the label statements, and the oil contained in the article did not consist solely of cottonseed oil, but consisted in large part of mineral oil; and, Section 403 (b) the product was offered for sale under the name of another food, salad dressing.

DISPOSITION: February 1, 1944. Pleas of guilty having been entered, the court imposed a fine of \$5 on each of 6 counts, a total fine of \$30 against each defendant.

SPICES, FLAVORS, AND SEASONING MATERIALS

5990. Adulteration of chili pods. U. S. v. 36 Cartons of Chili Pods. Default decree of condemnation and destruction. (F. D. C. No. 11238. Sample No. 57689-F.)

LIBEL FILED: December 6, 1943, Western District of Texas.